

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

JANETTE CRUZ-CAÑIZARES, et al. \*

Plaintiffs \*

v. \*

FERNANDO E. FAGUNDO-  
FAGUNDO, et al. \*

Defendants \*

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**Civil No. 02-1796(SEC)**

**ORDER PURSUANT TO FIRST CIRCUIT'S ORDER IN DOCKET # 205**

On March 20, 2006, the Court entered an Amended Partial Judgment in favor of Co-plaintiff Joseph Guzmán-Rivera for the remitted amount of \$364,000 in compensatory damages (Docket # 186). Thereafter, the Court entered a Second Amended Partial Judgment certifying under Rule 54(b) that there was no just reason for further delaying an appeal as to Co-plaintiff Guzmán-Rivera (Docket # 189). An interlocutory appeal followed and we have now received an order from the First Circuit requesting the Court's statement of reasons for its entry of judgment under Rule 54(b) (Docket # 205). Accordingly, we include our reasoning for the Rule 54(b) judgment herein.

At the time this case went to trial there were only two Plaintiffs whose claims remained alive— Co-plaintiffs Joseph Guzmán-Rivera and José Lugo-Vázquez. After a twelve-day trial, the jury returned a verdict in favor of Co-plaintiff Guzmán-Rivera but was deadlocked as to Co-plaintiff Lugo-Vázquez. Defendants then proceeded to file separate post trial motions as to both Plaintiffs. We issued a ruling on Co-plaintiff Guzmán-Rivera's case but had not done so as to Co-plaintiff Lugo-Vázquez. Co-plaintiff Guzmán-Rivera's case was completely independent from that of Co-plaintiff Lugo-Vázquez. It involved different witnesses and documentary evidence; most of the individual defendants were different; the jury, by reaching a unanimous verdict as to Co-plaintiff Guzmán-Rivera, clearly distinguished the merits of one case from the other; and the post trial motions were filed separately and on different grounds for both Plaintiffs. As such, having denied Defendants'

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Rule 50(b) motion as to Co-plaintiff Guzmán-Rivera and instead, remitted the amount awarded in damages, we opined that there was nothing in Co-plaintiff Lugo-Vázquez's case that merited further holding back an appeal of the decisions issued as to Co-plaintiff Guzmán-Rivera.

In any event, we have now issued a ruling on Defendants' Rule 50(b) motion against Co-plaintiff Lugo-Vázquez. Having granted Defendants' motion as a matter of law and entered Judgment dismissing all of Co-plaintiff Lugo-Vázquez's claims against Defendants, this case is now final and appealable.

**SO ORDERED.**

In San Juan, Puerto Rico, this 1<sup>st</sup> day of August, 2006.

S/ Salvador E. Casellas **S**  
SALVADOR E. CASELLAS  
U.S. Senior District Judge